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ELALLAM, AHMED				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,800

Applicant(s)

MIRZA, NASIR MAHMOOD

Examiner

AHMED ELALLAM

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6-8, 10, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ennis, Jr. et al. Hereinafter referred to as Ennis.

Regarding claims 1 and 10, with reference to figure 1, Ennis discloses a method/ or communication control system for bandwidth selection in a communication network, the communication control system comprising:

a console 16, the console comprising a display user interface and input device, column 23, lines 30-33,(claimed a display device; an input device);

a communication interface for transferring command to the communication network, see column 23, line 52-55;

an operator entering information into console 16 describing the data transmission system configuration including the individual circuits to monitor by a probe. The probe determines the bandwidth capacities and committed information rates, the console displays information relating to bandwidth utilization for individual circuits, Column 9, lines 36-41.

Ennis further discloses window display 20 includes advisor button 52 for initiating analysis of the access channel and/or individual circuit utilization data to recommend a bandwidth adjustment. Column 15, line 17-20. (Claimed receive a user input from the input device in response to the graphical bandwidth selection indicium, with the user

input selecting a particular bandwidth indicium of the two or more bandwidth indicia, translate the user input into the bandwidth selection command, and transfer the bandwidth selection command to the communication interface; wherein the user input generates the bandwidth selection command for a communication session in the communication network).

Regarding claims 6 and 15, Ennis discloses clicking a button 52 for bandwidths recommendation. See column 18, lines 38-34.

Regarding claims 7, 8, 16, 17 and 18, Ennis discloses displaying bar graph and pie charts for viewing bandwidth utilization; see column 17, lines 54-66.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis in view of Lodayekar et al, US 2003/0079019. Hereinafter referred to as Lodayekar.

Regarding claims 2, 3, 11 and 12, as indicated above with reference to respective claims 1 and 10, Ennis discloses substantially all the limitation of parent claims. Further Ennis discloses a series of recommendation for bandwidth adjustments.

Ennis doesn't specify transferring the bandwidth selection command to a first bandwidth controller associated with a first switch of the communication network, with the first bandwidth controller controlling a communication session bandwidth, as in claim 2 and 11 and does not teach the bandwidth selection command is transferred to at least a first bandwidth controller associated with a first switch and a second bandwidth controller associated with a second switch of the communication network, with the first and second bandwidth controllers controlling a communication session bandwidth.

However, with reference to figures 2 and 6, Lolayekar in the same field of endeavor of bandwidth allocation in storage area network, discloses traffic managers (TMs) 608 in both ingress and egress line-cards monitor (claimed bandwidth controller) the transfer bandwidth of different connections, the traffic manager associated with a switches 204, paragraph [0193] . Lolayekar further discloses an administrator entering the performance characteristics at a management station 210, wherein the characteristics can then be provided to the switches 204. Paragraph [0093].

It would have being obvious to a person of ordinary skill in the art, at the time the invention was made to have the switching network of Ennis consist of the switching network of Lolayekar so that the method/system can be used in the network of Lolayekar. It is also advantageous to add another layer of service such as QoS to the system/method of Ennis.

Regarding claims 4, 5, 13 and 14, Ennis disclose bandwidth adjustment for individual circuits but does not specify the individual circuit (s) are mirroring session as

in claims 4 and 13, or the mirroring session is to a Storage Area Network (SAN) as in claims 5 and 14.

Lolayekar discloses path that are for mirroring to a SAN, see paragraph [0013]. It would have being obvious to a person of ordinary skill in the art, at the time the invention was made to have the bandwidth adjustment of Ennis applied to path carrying mirroring data as taught by Lolayekar so that the bandwidth adjustment method/system of Ennis can be implemented in Storage Area Networks. (Lolayekar [0013]).

3. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis in view of Fuller et al U.S. 2003/0055972. Hereinafter referred to as Fuller.

Regarding claim 9 and 19, Ennis discloses that the console (claimed processing system) is arranged to display data in graphical form and the windows or screens may be arranged in any manner and contain any desired information and /or the bar graphs, pie charts and reports may contain any desired information extending for any desired period of time. See column 23, lines 30-50.

Ennis doesn't specify the displayed information is a service level agreement.

Fuller in the same field of endeavor of Storage Area Networks discloses displaying SLA data, see paragraph [0037]. It would have being obvious to a person of ordinary skill in the art, at the time the invention was made the make the displayed data of Ennis consists of SLA data as taught by Fuller. The advantage would be the ability to enhance the system of Ennis with enforcing the SLA in the process of bandwidth

recommendation. It is also advantageous to prevent Users lacking the required SLA from congesting the network.

Response to Arguments

4. Applicant's arguments filed 02/06/2008 have been fully considered but they are not persuasive.

Applicant argues that Ennis does not disclose the elements of claims 1 and 10. As to claim 1, Applicant stated that *"Ennis discloses counters that represent different percentage ranges indicating the amount of bandwidth utilization for an access channel or an individual circuit. (Ennis, col. 10, lines 23-26). However, Ennis does not disclose a processing system configured to display a graphical bandwidth selection indicium, as required by claim 1. The counters in Ennis simply display a current bandwidth level for an access channel or individual circuit. Whereas, the processing system of claim 1 displays a graphical bandwidth selection indicium that can be used to select a bandwidth level for a communication link and for a communication session. (current app., pg. 16, lines 11-13). Furthermore, Ennis discloses a user input in the form of an operator entering bandwidth capabilities and committed information rates. (Ennis, col. 9, lines 42-44). Additionally, Ennis discloses a user input in the form of an operator selecting to view either an access channel or a circuit level. (Ennis, col. 15, lines 26-30). However, nowhere does Ennis disclose receiving a user input in response to a graphical bandwidth selection, with the user input selecting a particular bandwidth indicium of the two or more bandwidth indicia."* Emphasis added.

Examiner respectfully disagrees. with reference to figure 1, Ennis discloses bandwidth selection in a communication network, wherein console 16 comprises a display user interface and input device, column 23, lines 30-33, (claimed a display device; an input device), a communication interface for transferring command to the communication network, see column 23, line 52-55; the consol having information describing the data transmission system configuration including the individual circuits to monitor by a probe. The probe determines the bandwidth capacities and committed information rates, the console displays information relating to bandwidth utilization for individual circuits, (column 9, lines 36-41). Ennis further discloses window display 20 includes advisor button 52 for initiating analysis of the access channel and/or individual circuit utilization data to recommend a bandwidth adjustment (column 15, line 17-20), this limitation reads on the claimed ***"processing system configured to display a graphical bandwidth selection indicium"***. Clearly Ennis discloses recommending a bandwidth adjustment (column 15, line 17-20, and figure 11) using advisor button for initiating analysis of the access channel and/or individual circuit utilization data, therefore contrary to Applicant , such teaching reads on the claimed ***receiving a user input in response to a graphical bandwidth selection, with the user input selecting a particular bandwidth indicium of the two or more bandwidth indicia.***

Examiner believes, given the most reasonable broadest interpretation of the claim limitations, Ennis does anticipate the invention as in claim 1 and 10.

As to independent claims 2-9, 11-19, Applicant alleged that these claims depends upon allowable claims 1 and 10 and therefore they are allowable. Examiner

respectfully disagrees, given the rejection and the argument above, the rejection of claims 1-19 is maintained of being proper.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AHMED ELALLAM** whose telephone number is (571)272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AHMED ELALLAM/
Examiner, Art Unit 2616
5/14/08

/Chi H Pham/
Supervisory Patent Examiner, Art
Unit 2616
5/16/08